

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

UNITED STATES FIRE  
INSURANCE COMPANY, a  
foreign corporation,

Plaintiff,

v.

Case No.: 2:22-cv-130-SPC-KCD

FINEMARK NATIONAL BANK &  
TRUST,

Defendant.

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**ORDER**

This Order follows the Zoom status conference the Court held yesterday (July 24, 2023) with counsel for Plaintiff United States Fire Insurance Company (USFIC) and Defendant FineMark National Bank and Trust. At the status conference, USFIC made an unopposed ore tenus motion to extend the discovery deadline (Doc. 71). The Court also addressed FineMark's pending motion for leave to file separate motions for summary judgment ([Doc. 67](#)).

The Court finds good cause to grant USFIC's unopposed motion to extend the discovery deadline (Doc. 71). Given the discovery deadline extension, the other case deadlines are also extended. The Court modifies the CMSO ([Doc. 54](#)) as laid out below.

For the reasons discussed on the record, the Court denies FineMark's motion for leave to file separate motions for partial summary judgment ([Doc. 67](#)) but will increase the page limit for FineMark's single motion for summary judgment to 35 pages. If USFIC files a motion for summary judgment, it may have 35 pages too.

Accordingly, it is **ORDERED**:

1. Plaintiff's Ore Tenus Motion to extend the case deadlines (Doc. 71) is **GRANTED**. These deadlines govern this action through trial:

DEADLINE	DATE
<b>Discovery and Motions to Compel Discovery</b>	September 29, 2023
<b>File <a href="#">AO85 form</a> if consenting to Magistrate Judge Kyle C. Dudek<sup>1</sup></b>	September 29, 2023
<b>Mediation</b>	November 7, 2023
<b>Dispositive and <i>Daubert</i><sup>2</sup> Motions</b>	November 28, 2023
<b>Meeting <i>In Person</i> to Prepare Joint Final Pretrial Statement</b>	April 30, 2024

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<sup>1</sup> With the parties' consent, a district judge under 28 U.S.C. § 636(c) can refer any civil matter to a magistrate judge for any or all proceedings. The parties can formalize consent to the magistrate judge on an AO 85 "Notice, Consent, and Reference of a Civil Action to a Magistrate Judge," a copy of which can be found on the Court's website. Of course, consent is entirely voluntary, and—without any adverse substantive consequence—a party for any reason can withhold consent and continue the action before the district judge. Should the parties wish to consent to a magistrate judge in this case, they should do so on or before September 29, 2023. That said, if the parties do not consent at this time, and later decide otherwise, they can still consent in the future.

<sup>2</sup> *Daubert* motions must not be titled or filed as motions to strike. When filing on CM/ECF, use the "In Limine" event under Civil Events-Motions.

DEADLINE	DATE
All Other Motions (including motions <i>in limine</i> ) and Trial Briefs (non-jury trials)	May 10, 2024
Joint Final Pretrial Statement (including, as applicable, joint proposed jury instructions and verdict form, case-specific <i>voir dire</i> questions, witness lists, and exhibit lists, all of which must also be emailed to the presiding trial judge's chambers email inbox as provided on the Court's public website)	May 14, 2024
Final Pretrial Conference (in person)	May 28, 2024
Monthly Trial Term	June 3, 2024
Estimated Length of Trial	5 days
Jury/Non Jury	Non-jury

2. Defendant FineMark National Bank & Trust's Motion for Leave to File Separate Motions for Partial Summary Judgment ([Doc. 67](#)) is **DENIED**. The Court extends the parties' page limit for motions for summary judgment to 35 pages.

**DONE** and **ORDERED** in Fort Myers, Florida on July 25, 2023.

  
 SHERI POLSTER CHAPPELL  
 UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record